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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,042

10/31/2003

Kazuki Emori

SHO-0031

8357

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EXAMINER

PANDYA, SUNIT

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

11/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/697,042

Applicant(s)

EMORI, KAZUKI

Examiner

Sunit Pandya

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-14 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 4-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) 1 and 4-6 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/24/07
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

Newly submitted claims 1, 4-6 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 1, 4-6 are directed towards a structure of a gaming machine. Wherein claims 7-14 are directed towards gaming machine comprising an internal lottery means, to determine an internal lottery of a game with a random number at a predetermined timing, as stated in the original claims.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1, 4-6 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Amendment

This action is in response to claim amendment filed 9/6/2007, wherein claim 1 has been amended, claims 2 & 3 have been canceled and claims 4-14 have been added, however claims 1, 4-6 have been restricted because claims 1, 4-6 are directed towards an invention that is distinct from the invention originally claimed.

Information Disclosure Statement

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The information disclosure statements (IDS) submitted 10/24/2007 has been acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97 & 1.98. Accordingly, the examiner has considered the information disclosure statement.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-9, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Weiss (US Patent 6,164,645).

Claims 7-9, 12-14: Weiss discloses a gaming machine comprising a cabinet (figure 1, element 10) with internal lottery means to determine an internal lottery of the game, wherein the lottery game is configured to produce random results (result is inherently produced by the spinning and stopping of the reels at a predetermined time, wherein the stopping of the reels in a certain position will result in an award being dispensed to the player, [col. 3: 25-30]). Weiss also disclose a display means to display the image pertinent to the game and a controller to control the image (figure 1, element 20 and col. 3: 58-60). Weiss discloses of providing pair of hooks on the display control and the cabinet and hook holes for the attachment of the display means on the cabinet, wherein the display is fixed on to the cabinet on the upper end of the cabinet (figure 1,

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elements 33 & 34, 44 & 46 and col. 3: 45-61, and figure 1, element 10, which is the cabinet).

Claim 11: Weiss discloses of a cabinet door, wherein the display means is attached on the backside of the door (figure 1, element 52, is where the display means will be attached to the door 50)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-00 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (as cited above).

Claim 10: Weiss teaches of providing pair of hooks on the display control and the cabinet and hook holes for the attachment of the display means on the cabinet, wherein the display is fixed on to the cabinet on the upper end of the cabinet (figure 1, elements 33 & 34, 44 & 46 and col. 3: 45-61, and figure 1, element 10, which is the cabinet). However Weiss fails to teach of a pair of hooks on to attach the display to the gaming cabinet. It would have been obvious for one with ordinary skill in the art at the time of the invention to attach an additional hook to the structure of Weiss to add stability to the display device, when being attached to the gaming cabinet.

Response to Arguments

Applicant's arguments filed 9/6/2007 have been fully considered but they are not persuasive.

Regarding the applicant's arguments that newly added features are not shown in the art, see the updated rejection above. All of the claims have been rejected using prior art, in the instant applicant, consequently the rejection has been maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is 571-272-2823. The examiner can normally be reached on 8 am - 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP


Robert Pezzuto
Supervisory Patent Examiner
3714